

TRANSPORTATION DEPARTMENT[761]

Notice of Intended Action

Proposing rule making related to specially constructed or reconstructed autocycles and providing an opportunity for public comment

The Department of Transportation hereby proposes to amend Chapter 450, “Motor Vehicle Equipment,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code section 307.12.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code sections 17A.3 and 321.23.

Purpose and Summary

The proposed amendments relate to motor vehicle equipment for specially constructed or reconstructed autocycles and align with existing legal authority and Department practice.

Iowa Code section 321.1(6A) defines an autocycle as a “three-wheeled motor vehicle originally designed with two front wheels and one rear wheel, a steering wheel rather than handlebars, no more than two permanent seats that do not require the operator or a passenger to straddle or sit astride the vehicle, and foot pedals that control the brakes, acceleration, and clutch, where applicable.” The definition of autocycle also provides that an autocycle is not considered a motorcycle even if the autocycle bears the vehicle identification number (VIN) or has a manufacturer’s certificate of origin that identifies it as a motorcycle. This distinction is important because while an autocycle is encompassed within the broader definition of a motor vehicle, it has unique characteristics that make it different from a traditional motor vehicle or a motorcycle.

Chapter 450 and Iowa Code section 321.23 outline the requirements to obtain a title to a specially constructed or reconstructed vehicle, which means a vehicle that was not originally constructed under a distinctive name, make, model or type by a generally recognized manufacturer of vehicles. Current Chapter 450 addresses the requirements to obtain a title for specially constructed or reconstructed passenger vehicles and motorcycles, and with these proposed amendments, the rules will also now address the specific requirements for a specially constructed or reconstructed autocycle.

Accordingly, these amendments propose new rule 761—450.5(321), which outlines the minimum requirements for constructing and equipping specially constructed or reconstructed autocycles and requires an application similar to what is required for specially constructed or reconstructed motor vehicles and motorcycles. The rule also specifies the type and nature of the required equipment a specially constructed or reconstructed autocycle must contain to be eligible for title and registration including seatbelt, seat, lighting equipment, warning devices, brakes, horn, exhaust system, mirrors, tires and floor pan.

The proposed amendments also clarify for all vehicles covered under Chapter 450 that addition or removal of parts that modify the external appearance of the vehicle so that it is no longer recognizable as the original make or model will cause the vehicle to be considered a specially constructed, reconstructed, street rod or replica vehicle, as applicable.

Fiscal Impact

This rule making is estimated to have a very minimal fiscal impact to the State of Iowa. As of June 17, 2020, the Department has not received any applications to register a specially constructed autocycle in Iowa. The registration fee for an autocycle is \$20 and is set by Iowa Code section 321.117.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

Any person who believes that the person's circumstances meet the statutory criteria for a waiver may petition the Department for a waiver under 761—Chapter 11.

Public Comment

Any interested person may submit written comments concerning this proposed rule making or may submit a written request to make an oral presentation at a public hearing. Written comments or requests to present oral comments in response to this rule making must be received by the Department no later than 4:30 p.m. on August 18, 2020. Comments should be directed to:

Tracy George
Department of Transportation
DOT Rules Administrator, Strategic Communications and Policy Bureau
800 Lincoln Way
Ames, Iowa 50010
Email: tracy.george@iowadot.us

Public Hearing

If requested, a public hearing to hear requested oral presentations will be held via conference call. Persons who wish to participate in the conference call should contact Tracy George before 4:30 p.m. on August 18, 2020, to facilitate an orderly hearing. A conference call number will be provided to participants prior to the hearing.

August 20, 2020
9 to 10 a.m.
(If requested)

Department of Transportation
Motor Vehicle Division
6310 SE Convenience Boulevard
Ankeny, Iowa

Persons who wish to make oral comments at the public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rule making.

Any persons who intend to attend the public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the Department and advise of specific needs.

The public hearing will be canceled without further notice if no oral presentation is requested.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making actions are proposed:

ITEM 1. Rescind rule 761—450.1(321) and adopt the following new rule in lieu thereof:

761—450.1(321) Addresses, information and forms. Assistance under this chapter is available as follows:

450.1(1) Information and forms for vehicle registration and certificate of title may be obtained from the county treasurer or by mail from the Vehicle and Motor Carrier Services Bureau, Iowa Department

of Transportation, P.O. Box 9278, Des Moines, Iowa 50306-9278; in person at Iowa Department of Transportation, 6310 SE Convenience Boulevard, Ankeny, Iowa; by telephone at (515)237-3264; or on the department's website at www.iowadot.gov.

450.1(2) Information for inspections may be obtained from the Bureau of Investigation and Identity Protection, Iowa Department of Transportation, 6310 SE Convenience Boulevard, Ankeny, Iowa; by telephone at (515)237-3050; or on the department's website at www.iowadot.gov.

This rule is intended to implement Iowa Code section 17A.3.

ITEM 2. Amend rule 761—450.2(321), introductory paragraph, as follows:

761—450.2(321) Equipment requirements for specially constructed, reconstructed, street rod, and replica motor vehicles, other than autocycles, motorcycles and motorized bicycles. The following standards are minimum requirements for constructing and equipping specially constructed, reconstructed, street rod, and replica motor vehicles other than autocycles, motorcycles and motorized bicycles.

ITEM 3. Amend subrule 450.2(2) as follows:

450.2(2) Application. As outlined in rule 761—400.16(321), the applicant shall submit the required application forms and exhibits to the county treasurer. The vehicle and ownership documents shall be examined by the department. If the department determines that the motor vehicle complies with this rule, that the integral parts and components have been identified as to ownership, and that the application forms have been completed properly, the department shall assign an identification number to the vehicle and certify that the motor vehicle is eligible for titling and registration. If the frame or unibody specified on an application for a specially constructed, reconstructed, street rod, or replica motor vehicle is designated “not for highway use,” the application shall not be approved. The exchange of compatible body parts does not constitute a specially constructed, reconstructed, street rod, or replica motor vehicle. The removal, addition, or substitution of reconstructed motor vehicle parts that modifies the vehicle's external appearance so that it does not reflect the original make or manufacturer model for that model does constitute a specially constructed, reconstructed, street rod, or replica motor vehicle.

ITEM 4. Amend subrule 450.4(1) as follows:

450.4(1) Application. As outlined in rule 761—400.16(321), the applicant shall submit the required application forms and exhibits to the county treasurer. The vehicle and ownership documents shall be examined by the department. If the department determines that the motor vehicle complies with this rule, that the integral parts and components have been identified as to ownership, and that the application forms have been completed properly, the department shall assign an identification number to the vehicle and certify that the motor vehicle is eligible for titling and registration. If the frame specified on an application for a specially constructed or reconstructed motorcycle or motorized bicycle is designated “not for highway use,” the application shall not be approved. The exchange of compatible body parts does not constitute a specially constructed or reconstructed motorcycle or motorized bicycle. The removal, addition, or substitution of a reconstructed motorcycle or motorized bicycle part that modifies the vehicle's external appearance so that it does not reflect the original make or manufacturer model does constitute a specially constructed, reconstructed, street rod, or replica motorcycle or motorized bicycle. EXEMPTION: The conversion of a manufactured motorcycle from two wheels to three-wheel operation by the addition or substitution of a bolt-on conversion kit shall not constitute a reconstructed motorcycle.

ITEM 5. Rescind rule 761—450.5(321) and adopt the following **new** rule in lieu thereof:

761—450.5(321) Minimum requirements for constructing and equipping specially constructed or reconstructed autocycles. Minimum requirements for constructing and equipping specially constructed or reconstructed autocycles as defined in Iowa Code section 321.1 are as follows:

450.5(1) Application. As outlined in rule 761—400.16(321), the applicant shall submit the required application forms and exhibits to the county treasurer. The vehicle and ownership documents shall be examined by the department. If the department determines that the autocycle complies with rule

761—450.5(321), that the integral parts and components have been identified as to ownership, and that the application forms have been completed properly, the department shall assign an identification number to the autocycle and certify that the autocycle is eligible for titling and registration. If the frame or unibody specified on an application for a specially constructed, reconstructed, street rod, or replica autocycle is designated “not for highway use,” the application shall not be approved. The exchange of compatible body parts does not constitute a specially constructed, reconstructed, street rod, or replica autocycle. The removal, addition, or substitution of reconstructed autocycle parts that modifies the autocycle’s external appearance so that it does not reflect the original make or manufacturer model for that model does constitute a specially constructed, reconstructed, street rod, or replica autocycle.

450.5(2) *Seatbelt.* A seatbelt for each seat shall be installed in the autocycle in accordance with Federal Motor Vehicle Safety Standard No. 209.

450.5(3) *Seat.* A seat that is firmly attached to the autocycle and does not require the operator to straddle or sit astride shall be provided for the use of the operator.

450.5(4) *Lighting equipment.* Every autocycle shall be equipped with at least one headlamp, at least one taillight, and either a taillight or a separate white light that illuminates the license plate if a taillight does not. All original lamps and lighting equipment provided on the autocycle by the manufacturer shall be maintained in working condition or shall be replaced with equivalent equipment.

450.5(5) *Warning devices.* Every autocycle shall be equipped with at least one red reflector, either separate or as part of the taillight or taillights.

450.5(6) *Brakes.* Every autocycle shall be equipped with a braking system, other than a parking brake, in accordance with Iowa Code section 321.431.

450.5(7) *Horn.* Every autocycle shall be equipped with a horn that shall be electrically actuated and shall emit a sound clearly audible from a distance of 200 feet.

450.5(8) *Exhaust system.* Each autocycle with an internal combustion engine shall be equipped with a muffler and emission control system in accordance with federal regulation 49 CFR 393.83. When a muffler and emission control system is factory equipped, neither may be removed.

450.5(9) *Mirrors.* Every autocycle shall be equipped with a mirror that shall consist of a minimum reflective surface of 10 square inches. All mirrors shall be regular in shape (circular, oval, rectangular, or square) and shall not contain sharp edges or projections capable of producing injury.

450.5(10) *Tires.* Every autocycle shall be equipped with tires that comply with the requirements of Iowa Code section 321.440.

450.5(11) *Floor pan.* Every autocycle shall be equipped with a floor pan under the entire passenger-carrying compartment. The floor pan shall support the weight of the number of occupants that the autocycle is designed to carry. The floor pan shall be so constructed that it prevents the entry of exhaust fumes.

This rule is intended to implement Iowa Code section 321.23.